THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.24556 OF 2006

Date: 27-11-2006

Between:

1. Shajahan Begum, w/o late Mohd. Yousuf Khan,
   aged 50 years, Occ: house wife,
   r/o H.No.7-1-626/A, Bapu Nagar, S.R.Nagar,
   Hyderabad and another.

... Petitioner.

And

1. The Assistant City Planner,
   CircleNo.V, Municipal Corporation of Hyderabad,
   Khairatabad, Hyderabad and another.

... Respondents.

* * *

ORDER:

The matter is coming up for admission. Smt. G.Jyothi Kiran, takes notice on behalf of respondents. Heard Sri Mohd. Zia-Ul-Huq, learned counsel representing the petitioners.

2. The writ petition is filed for a writ of Mandamus declaring threatening action of the first respondent and his staff dated 21.11.2006 orally asking the petitioners to surrender their properties by 30.11.2006 and to demolish their properties bearing Nos.7-1-626 and 7-1-632, situated at Bapu Nagar, S.R.Nagar, Hyderabad, as illegal and in contravention of Sections 146 and 147 of Hyderabad Municipal Corporation Act, 1955, and a Division

Bench Judgment rendered by this Court in W.P.No.21198 of 1997 dated 03.2.1998 as followed in W.P.No.19134 of 2006 dated 15.9.2006 and consequently restrain the respondents from demolishing the petitioners premises as mentioned above without following due process of law.

3. Several factual details are narrated in the affidavit filed in support of the writ petition. It is stated that first respondent and his staff came to the premises of the petitioners on 19.11.2006 with a blank form and a cheque and asked the petitioners to sign on the dotted white blank form and to pass receipt or the cheque for the structural value. But the petitioners refused to sign. It is also stated that the first respondent warned the petitioners to hand over the petitioners' premises by 30.11.2006, failing which they would demolish the buildings in question by using force.

4. The main grievance of the petitioners is that the respondents are trying to proceed with the demolition activity without following due process of law.

5. In view of the same, the respondents are hereby directed not to resort to any demolition activity of the subject matter of the writ petition unless and until they follow due process of law and in accordance with the provisions of the Hyderabad Municipal Corporation Act, 1955.

6. With the above direction, the writ petition is disposed of. No order as to costs.

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P.S.NARAYANA, J.

Date: 27th November 2006.

Note:
Issue CC in two days.

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BSB